

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DICKSON INDUSTRIES, INC.,

Plaintiff,

v.

PATENT ENFORCEMENT TEAM,
L.L.C.,

Defendant,

v.

MIDSTATE TRAFFIC CONTROLS,
INC. and SAWHORSE
INVESTMENTS, L.L.C.,

Third-Party Defendants.

Case No. CIV-02-467-HE

**THIRD-PARTY DEFENDANTS MIDSTATE TRAFFIC CONTROL, INC.
AND SAWHORSE INVESTMENTS, L.L.C.'S
OBJECTION TO PET'S PROPOSED JURY INSTRUCTIONS
NUMBERED 57, 58, AND 59**

COME NOW the Third-Party Defendants, Midstate Traffic Control, Inc. and Sawhorse Investments, L.L.C. (hereinafter "Midstate"), and pursuant to the deadline established by the court's scheduling order, hereby submit their Objection to Patent Enforcement Team, L.L.C.'s (hereinafter "PET") requested jury instructions numbered 57, 58, and 59 pertaining to the issue of reasonable royalty calculation.

Midstate believes the instructions submitted by PET do not contain a complete recitation of the relevant factors as established by the law which the jurors are allowed to consider when deliberating the issue of reasonable royalty. By contrast, the proposed instructions submitted by Midstate and/or Dickson pertaining to this issue embody a

complete and detailed explanation of the relevant factors which jurors are allowed to consider when deliberating upon this issue.

WHEREFORE, premises considered, Midstate objects to PET's proposed jury instructions numbered 57, 58, and 59, and respectfully requests the Court adopt either Midstate's instructions on this issue, submitted as Midstate's proposed instructions numbered 1 and 2; or alternatively, adopt the proposed instructions submitted by Dickson which are found at pages 66 through 70 of Dickson's proposed instructions.

Respectfully submitted,

/s/ DAVID A. CHEEK

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Sawhorse Investments, L.L.C.

CERTIFICATE OF SERVICE

☒ I hereby certify that on the 26th day of June, 2007, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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